



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

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IN REPLY REFER TO

OPNAVINST 5354.5
OP-09BE2

12 APR 1990

OPNAV INSTRUCTION 5354.5

Subj: COMMAND MANAGED EQUAL OPPORTUNITY (CMEO)

Ref: (a) DoD Directive 1350.2 of 23 Dec 88 (NOTAL)
(b) SECNAVINST 5350.10B
(c) OPNAVINST 5354.1C
(d) OPNAVINST 12720.4B

Encl: (1) CMEO Program Management
(2) Equal Opportunity (EO) Inspection Checklist

1. Purpose. To issue enclosures (1) and (2) which implement reference (a), restate the policy of the Department of Navy and implement policy and procedures for the CMEO program in the Office of the Chief of Naval Operations (OPNAV) and the CNO claimancy (administered by OP-09B) as identified in the distribution list.

2. Applicability and Scope. This instruction applies to all active duty Navy units and personnel assigned to OPNAV and the CNO claimancy. The scope of this instruction extends to family members of military personnel where specifically stipulated. Civilian Equal Employment Opportunity (EEO) policies and guidance are detailed in reference (d) and are applicable to Navy commands employing U. S. civilian personnel and to all civilian employees, the commanding officer and all military managers and supervisors of civilian personnel.

3. Discussion. An environment free of discrimination and sexual harassment is essential to achieving and maintaining mission readiness. Commanding officers are responsible for the command climate and for a work environment free of discriminatory policies and practices. Education promoting an understanding of cultural and ethnic differences and training in the prevention of sexual harassment are command responsibilities.

4. Policy. The Chief of Naval Operations policy is to provide equality of opportunity and treatment to all personnel. This includes a work environment free from discrimination in both policy and practice, equal opportunity for advancement to every individual's maximum potential, and fair and impartial review of complaints of discrimination. It also includes a workforce free from sexual harassment by supervisors, peers, or subordinates (civilian or military). Members who use grievance procedures, and those in the review or investigative process, shall be free

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from restraint, interference, coercion, discrimination, or reprisal action at any stage during the presentation and processing of a grievance or any time thereafter.

5. Responsibility

a. The Assistant Vice Chief of Naval Operations (OP-09B) is responsible for the Equal Opportunity (EO) Program within OPNAV and for monitoring by tri-annual inspections the implementation and effectiveness of the CMEO program in the claimant activities.

b. Heads of claimant activities are responsible for ensuring equal opportunity for all assigned personnel. Commanders will ensure the Navy's EO policy becomes an integral part of day-to-day personnel management and that the elements of the CMEO program are implemented and used effectively.

6. Action. Commanders are required to support equal opportunity by implementing the provisions of Command Managed Equal Opportunity (CMEO) Program Management, enclosure (1).



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Assistant Vice Chief of Naval Operations

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COMMAND MANAGED EQUAL OPPORTUNITY (CMEO) PROGRAM MANAGEMENT

I. PROGRAM OFFICIAL'S RESPONSIBILITIES

1. General Policy. Assistant Vice Chief of Naval Operations (AVCNO) (OP-09B) is responsible for ensuring that OPNAV and activities in the CNO (OP-09B) claimancy are in compliance with applicable equal opportunity laws and regulations. Within OPNAV the Deputy Equal Employment Opportunity Officer (DEEOO) (OP-09BE) is responsible for implementation of CNO (OP-09B) military and civilian policies regarding EEO/EO. Supervisors and those in command positions are responsible for creating and maintaining a positive command climate and proactive environment. The work environment is a direct reflection of its leader.

2. Heads of Activities. Heads of activities are responsible for complying with applicable regulations and policy regarding EO. That will be accomplished through allocation of sufficient resources (personnel, fiscal, and material) to fully implement a results-oriented CMEO program. In addition, heads of activities shall:

a. Issue an EO policy statement clearly supporting the principles of equal opportunity.

b. Issue a Sexual Harassment Policy Statement, clearly defining sexual harassment and action to be taken for offenders.

c. Comply with all elements of the CMEO program as set forth in this instruction.

II. CMEO PROGRAM ELEMENTS

1. Command Training Team (CTT). Commands with greater than 50 military personnel assigned shall have a CTT within the following guidelines:

<u>Command Size</u>	<u>CTT Members</u>
50-100	2
101-200	3
201-300	5
301-above	6

Two members of CTT are required to be in paygrade E-6 or above. CTT members will receive formal training by a CNET training site or an Equal Opportunity Program Specialist (9515). Members previously trained who have not performed in the capacity within 24 months are required to repeat certification training.

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CTT members will complete the EO correspondence course within three months of assignment to the training team. The primary role of the CTT is to conduct Navy Rights and Responsibilities (NR&R) workshops. Commands with less than 50 military personnel are not required to have a CTT but shall ensure NR&R training is received through neighboring commands, TAD travel, etc.

2. Command Assessment Team (CAT). A CAT is required in all commands. The CAT shall consist of at least four members in paygrades E-6 and above (E-5's with formal education or experience in organizational effectiveness). Additional mandatory membership will include the executive officer, one department head, personnel or administrative officer, command master chief, and command career counselor. Mandatory members are not required to conduct assessments but are to be present at CAT meetings and act as advisors to the CAT members.

All members will receive formal training through a CNET Training Site or an Equal Opportunity Program Specialist (9515). Training will be entered in appropriate service records. Members previously certified as CAT members who have not performed in the capacity within 24 months shall undergo recertification. CAT members will complete the EO correspondence course (NAVEDTRA 13099) within three months of assignment to the assessment team. This is not required of mandatory members. Commands having a significant civilian population may place civilian employees on the CAT. When conducting assessments, the civilian population will be included in surveys and interviews.

3. Action Planning. A Plan of Action and Milestones (POAM) will be developed for command specific issues identified during the assessment. POAMs will be retained by the command for a period not less than 36 months.

4. Inspections. The CMEO program is to be inspected as a special interest item during subordinate command inspections. The following items are inspectable items of CMEO: actual data collected, collection process, assessment process, data availability, findings, adequacy of the Plan of Action and Milestones, and command assessment results. Inspectors will possess a thorough knowledge of all aspects of CMEO. Inspections of subordinate commands can be conducted in conjunction with regularly scheduled command inspections. Interval of inspections will not exceed 36 months. Assistance should be obtained by contacting CNO (OP-09BE2).

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II. SEXUAL HARASSMENT AND SEXUAL POLITICS

1. Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or

(b) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(c) such conduct interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

2. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

3. Ambiguous situations exist in which behavior exhibited is found to be acceptable by most, but unacceptable for a few (i.e., a hand placed on another's arm). In such situations the burden is placed on the "victim" to inform the "offender" such behavior is found to be offensive. The "victim" may also confront either supervisor of parties involved who then must confront the individual. Once informed, any deliberate attempts to repeat the behavior will constitute sexual harassment. Severe and/or blatant incidence (i.e., vulgarity, some forms of physical contact, etc.) need not be repeated to constitute sexual harassment. Nor is the victim required to inform the individual that the behavior is offensive. One incident is enough to constitute sexual harassment.

4. Displaying of offensive pictures, posters, calendars, cartoons, etc., of a sexual nature is not permitted, including in private offices.

5. Sexual politics is defined as using sex or one's sexuality to obtain special rewards or favors. Sexual politics is inappropriate behavior and will not be tolerated.

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III. COMMAND PROCESSING OF GRIEVANCES

1. Commands shall appoint a senior military member to assist in the processing of grievances. That member will be designated in writing. The member should be knowledgeable of all aspects of grievance and redress procedures and will ensure reprisal action is not taken against a member filing a grievance.

2. Persons filing grievances should be made aware that any act of reprisal is unlawful and such action should be reported immediately through the chain of command. All command members should be made aware of their responsibility to ensure fair and equitable treatment of all persons regardless of whether the member has filed a grievance.

3. Personnel desiring Captain's Mast shall forward a special request chit through the chain of command. Request mast chits shall be forwarded and returned to the member within no more than five working days. Request mast chits will not be denied.

4. Sexual harassment or discrimination allegations shall be investigated promptly. Action taken against offenders shall be proportionate to the severity of the offense. In all cases of confirmed discrimination or sexual harassment, performance, evaluations and fitness reports shall be reflected accordingly, along with any other disciplinary action deemed necessary.

5. Commands are to display prominently the Grievance and Redress Poster throughout common areas. The poster is stocked at the Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA (NSN: 0506-LP-175-5200).

6. Service members shall be made aware of the Inspector General's "Fraud, Waste and Abuse Hotline." That alternate means of reporting sexual harassment or discrimination may be used if:

(1) upon presentation, the chain of command is unresponsive to the grievance; or

(2) if upon presentation of a grievance or anytime thereafter, a service member becomes a target for reprisal action. The hotline is not to be a substitute for using one's chain of command. The hotline number is autovon 288-6743, commercial (202) 433-6743, or toll-free 1-800-522-3451.

7. Commands shall retain files on all EO grievances and their disposition for a period not less than 36 months.

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IV. INCIDENT HANDLING AND REPORTING. Incidents which may arise shall be classified as either minor or serious and reported as required by reference (c). All such reports shall include CNO (OP-09BE2) as information addressee.

EQUAL OPPORTUNITY (EO) INSPECTION CHECKLIST

COMMAND MANAGED EQUAL OPPORTUNITY

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|---|------------|-----------|------------|
| 1. Command Training Team (CTT) | | | |
| a. Does the command have a Command Training Team? | | | |
| b. Are CTT members formally trained? | | | |
| c. Training documented in service records? | | | |
| d. Is the size of the CTT adequate? | | | |
| e. Does minimum membership contain two members in paygrades E-6 or above? | | | |
| f. Have all CTT members (except mandatory members) completed the EO correspondence course (NAVEDTRA 13099) within three months of assignment to the team? | | | |

Comments

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|--|------------|-----------|------------|
| 2. Navy Rights and Responsibilities Workshops | | | |
| a. Is the command conducting NR&R workshops for all newly reporting personnel within 90 days of reporting? | | | |
| b. Are all NR&R subjects presented as outlined in CNET-developed lesson plans? | | | |
| c. Is the command conducting the annual "command- specific" NR&R workshop for all hands? | | | |
| d. Is NR&R workshop training documented in member's service record? | | | |
| e. Are NR&R critique sheets used? | | | |

Comments

Enclosure (2)

3. Command Assessment Team (CAT)

YES NO N/A

- a. Are CAT members formally trained?
- b. Is the training documented in service records?
- c. Does the mandatory membership include the executive officer, one department head, command master chief and career counselor?
- d. Are command assessments conducted?
- e. Are the results of assessments and supporting documentation maintained for at least 36 months?
- f. Is the command conducting follow-up action on POA&M action items?
- g. Have all CAT members completed the EO correspondence course (NAVEDTRA 13099) within three months of assignment to the team?

Comments

4. ISIC Inspections

YES NO N/A

- a. Is the inspector thoroughly knowledgeable of the Navy EO program?
- b. Is the frequency of inspection of subordinate commands in compliance?
- c. Are the minimum inspectable items reviewed?
- d. Are follow-up inspections conducted?
- e. Is there a system for tracking subordinate commands not in compliance with CMEQ?

Comments

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5. Policy and procedures

YES NO N/A

- a. Has the commander clearly and strongly stated his/her policies on EO, prevention of sexual harassment, and reprisals against individuals that submit grievances?
- b. Is command policy current with DoD, SECNAV, OPNAV and TYCOM directives and understood throughout the command?
- c. Are unit members aware of their responsibilities support of the Navy's EO program and policies?
- d. Are minorities and women being included in the composition of boards, councils and committees?
- e. Has the Navy's grievance procedures poster been displayed throughout the command?
- f. Does the command maintain data and disposition files of complaints?
- g. Are complaints being followed up to ensure resolution?
- h. Are steps such as those outlined in the EO Manual being taken to prevent racial or other incidents?
- i. Is the command familiar with the proper procedures for reporting incidents?
- j. Is a person designated to assist individuals in processing and resolving sexual harassment or discrimination issues? Is the person an E-6 or above?

Comments

6. Career Development

YES NO N/A

- a. Are minorities and women provided equal opportunity for assignments?
- b. Have qualified minority and female personnel been identified, encouraged, and counseled to apply for commissions?
- c. Is career information being provided to all enlisted personnel to assist them in selecting viable and attractive career patterns (regardless of what is "traditional" or "non-traditional" for their group)?
- d. Are assignments and collateral duties being made on the basis of talent and ability irrespective of what is "traditional" or "non-traditional" for a group?
- e. Is the service member's support of EO considered when being evaluated?
- f. Are evaluations and fitness reports being written on the basis of achievement and without regard to race, religion, gender, color, or national origin?

Comments

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7. Education and Training

YES NO N/A

- a. Are supervisors participating in unit EO instructors, discussion leaders, or as resources for answering questions?
- b. Are EO staff personnel trained and are they serving as good role models?
- c. Have educationally deficient personnel been identified and counseled?
- d. Is the command working with local education institutions to make education opportunities available to personnel?

Comments

8. Public Affairs

YES NO N/A

- a. Has information been disseminated throughout the command stressing accomplishments of minority and women members?
- b. Are news releases being distributed to news media (including local and minority media) to publicize news policies and achievements in EO?
- c. Are units and personnel being recognized for outstanding achievements in support of command EO program? Are unit members encouraged to participate in host community affairs?

- d. Are local community leaders being invited to tour the base and meet with EO people?
- e. Are Navy role models invited to the command to speak and set the example for junior personnel?

YES NO N/A

Comments

9. Discipline

YES NO N/A

- a. Is data on administration of discipline and administrative discharges monitored by race, religion, ethnicity and gender?

Comments

10. Sexual Harassment and Sexual Politics

YES NO N/A

- a. Do command members possess a thorough understanding of what constitutes sexual harassment and sexual politics?

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YES NO N/A

- b. Are command members aware of their responsibilities in preventing sexual harassment and sexual politics?
- c. Are command spaces, including private offices, free from material that are sexually suggestive in nature?
- d. Are complaints of sexual harassment dealt with swiftly?
- e. Are acts of sexual politics dealt with in a manner that counters such behavior?

Comments

11. Command Climate

YES NO N/A

- a. Is the tone of the command that of mutual respect (interpreted by unsolicited comments, non-verbal behavior, interviews with command members)?
- b. Are command spaces free from material which counters EO?
- c. Do command members feel the chain of command is supportive of EO?

Comments